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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/603,216

Applicant(s)

ZOMMERS, OLEG

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-505 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Non-Final Office action is responsive to Applicant's election filed May 21, 2003. Applicant's traversal of the election effectively reiterates the reasons for traversal presented in the previous election filed December 15, 2003. Examiner maintains her response to this traversal, as presented in the notice of non-responsive reply mailed on February 25, 2004.

Applicant has elected Species I, Subspecies A<sub>3</sub>, Subspecies B<sub>1</sub>, and Subspecies C<sub>1</sub> and submits that claims 1-34, 36-146, 148-248, 250-272, 274-320, and 429-505 are directed toward the elected species and subspecies. Applicant has withdrawn claims 35, 147, 249, 273, and 321-428 from consideration.

Examiner submits that claims 30, 142, 244, and 462 are directed toward non-elected Subspecies B<sub>3</sub> of Species I (which is directed toward analyzing user profiles for psychological testing). Therefore, claims 30, 142, 244, and 462 are withdrawn from consideration as well.

Examiner submits that claims 104-106, 210-212, and 318-320 are directed toward non-elected Species II (which is directed toward delivering personalized information to a group of users). Therefore, claims 104-106, 210-212, and 318-320 are withdrawn from consideration as well.

Claims 1-29, 31-34, 36-103, 107-141, 143-146, 148-209, 213-243, 245-248, 250-272, 274-317, 429-461, and 463-505 are presented for examination while claims 30, 35, 104-106, 142, 147, 210-212, 244, 249, 273, 318-428, and 462 stand as non-elected claims and are therefore withdrawn from consideration.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Russian on September 22, 1999. It is noted, however, that applicant has not filed a certified copy of the Russian application as required by 35 U.S.C. 119(b). Furthermore, Applicant claims that the instant application is a Continuation-In-Part of the foreign application. Without submission of a certified English translation of the Russian application, the Examiner cannot reasonably verify which of the claimed subject matter is fully disclosed in, and therefore merits priority to, the Russian application. Furthermore, Applicant cannot officially claim status of the instant application as a Continuation-In-Part *per se* to a foreign application. (See 37 CFR § 1.53(b).)

Also, Applicant claims priority to provisional application no. 60/158,562 filed on October 8, 1999; however, the claimed invention of the instant application is not fully disclosed in the provisional application. The following are only a few examples of the material disclosed in the instant application, but not supported by the disclosure of the provisional application: (1) collecting subjective responses from hardcopy response forms which are machine-read and optionally transmitted by facsimile (see at least page 5, line 21 through page 6 of the specification), (2) identifying psychological types of the users (page 12, line 13 and page 22, lines 10-15 of the specification), (3) performing psychological testing (page 13, lines 13-15), (4) the various topical trends prediction methods (page 25, line 13 through page 28, line 14 and page 38, lines 3-18). For purposes of applying prior art, claims containing this (as well as all other subject matter

not disclosed in the provisional application) will only be granted priority back to the filing date of the instant application (June 26, 2000).

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all limitations recited in claims 1-29, 31-34, 36-103, 107-141, 143-146, 148-209, 213-243, 245-248, 250-272, 274-317, 429-461, and 463-505 must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-29, 31-34, 36-103, 107-141, 143-146, 148-209, 213-243, 245-248, 250-272, and 274-317 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

In the present case, while claims 1-29, 31-34, 36-103, 107-141, 143-146, 148-209, 213-243, 245-248, 250-272, and 274-317 recite the useful, concrete, and tangible result of delivering personalized information to a user, there is, at best, only a nominal recitation of technology in the claims. Merely transmitting the personalized information via an electronic communication channel (and doing so as an option along with delivering a paper copy, see at least claim 4) amounts to nothing more than a nominal recitation of technology. Therefore, claims 1-29, 31-34, 36-103, 107-141, 143-146, 148-209, 213-243, 245-248, 250-272, and 274-317 are deemed to be non-statutory. In order to overcome this rejection, it is respectfully recommended that Applicant amend the claims to expressly recite one of the core steps of the invention (e.g., a determination or analysis step) as being performed by technology (e.g., a computer).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 47, 159, 261, 101-103, 207-209, 315-317, 504, and 505 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 47 recites details of how a user can draft and send e-mail messages to communicate his/her responses; however, it depends from claim 46, which is directed toward a user submitting his/her responses via facsimile to then be interpreted by machine-reading software. There would be no need to fax an e-mailed response to be interpreted by machine-reading software. It is not clear what claim 47 has to do with claim 46. As a matter of fact, claim 47 overrides what is recited in claim 46; therefore, the metes and bounds of claim 47 are unclear. The specification does not provide any disclosure or enablement for utilizing the e-mail and facsimile response methods together. Claims 159 and 261 closely mirror claim 47 and therefore suffer from the same issues.

Claims 101-103 are directed toward analyzing information vectors by interpolating a trajectory in an information space based on the updated significance magnitudes, wherein an information vector is defined as a vector tangent to said trajectory with a magnitude defined as the derivative of the trajectory function at a given point to characterize how fast and in what directions a user profile is changing. The specification does not provide sufficient enablement to one skilled in the art to understand how the steps are being carried out nor how all of the recited information is pertinent to delivering personalized information to users. For example, is the trajectory literally a mapped trajectory (e.g., on a graph) or is it a conceptual interpretation of how interests are changing? Also, how is the derivative of the trajectory function computed? If the trajectory is literally a mapped trajectory, does this equate to a line tangent to the graphed trajectory function? Is so, at what point of the trajectory is the tangent line



graphed? How is the information utilized? Is it then used to predict a graph of magnitudes of interest wherein the extrapolated trajectory would line up with the tangent line? If, on the other hand, there is no literal graph of the trajectory and tangent, what real-world, practical values do the trajectory and tangent represent? Claims 207-209, 315-317, 504, and 505 closely mirror claims 101-103 and therefore suffer from the same issues.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 47, 159, 261, 101-103, 207-209, 315-317, 504, and 505 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47 recites details of how a user can draft and send e-mail messages to communicate his/her responses; however, it depends from claim 46, which is directed toward a user submitting his/her responses via facsimile to then be interpreted by machine-reading software. There would be no need to fax an e-mailed response to be interpreted by machine-reading software. It is not clear what claim 47 has to do with claim 46. As a matter of fact, claim 47 overrides what is recited in claim 46; therefore, the metes and bounds of claim 47 are unclear. Claims 159 and 261 closely mirror claim 47 and therefore suffer from the same issues.

Claims 101-103 are directed toward analyzing information vectors by interpolating a trajectory in an information space based on the updated significance magnitudes, wherein an information vector is defined as a vector tangent to said trajectory with a magnitude defined as the derivative of the trajectory function at a given point to characterize how fast and in what directions a user profile is changing. It is not understood how the steps are being carried out nor how all of the recited information is pertinent to delivering personalized information to users. For example, is the trajectory literally a mapped trajectory (e.g., on a graph) or is it a conceptual interpretation of how interests are changing? Also, how is the derivative of the trajectory function computed? If the trajectory is literally a mapped trajectory, does this equate to a line tangent to the graphed trajectory function? Is so, at what point of the trajectory is the tangent line graphed? How is the information utilized? Is it then used to predict a graph of magnitudes of interest wherein the extrapolated trajectory would line up with the tangent line? If, on the other hand, there is no literal graph of the trajectory and tangent, what real-world, practical values do the trajectory and tangent represent? Claims 207-209, 315-317, 504, and 505 closely mirror claims 101-103 and therefore suffer from the same issues.

Appropriate correction is required.

*The following art rejection reflects the Examiner's best understanding of the claimed invention, especially as recited in claims 47, 159, 261, 101-103, 207-209, 315-*

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*317, 504, and 505 (in light of the rejections of these claims under 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph).*

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-23, 25-29, 31-34, 36-44, 48-54, 56-61, 68-74, 76-88, 90-94, 96, 97, 107-135, 137-141, 143-146, 148-156, 160-166, 168-173, 178-180, 182-194, 196-199, 201, 213-237, 239-243, 245-248, 250-258, 262-268, 270-272, 274, 275, 282-288, 290-302, 304-308, 310, 311, 429-446, 448-461, 463-476, and 483-497 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz (U.S. Patent No. 6,029,195).

Herz discloses a method of delivering personalized information to users, comprising:

[Claim 1] collecting information items by a publisher (col. 34, line 47 through col. 35, line 55; col. 49, lines 25-42; col. 60, lines 35-64);

storing said information items on at least one publisher's database (col. 34, line 47 through col. 35, line 55; col. 49, lines 25-42; col. 60, lines 35-64);

establishing a user profile for each user and storing said user profiles on the at least one publisher's database (col. 34, line 47 through col. 37, line 32);

periodically delivering a collection of information items to each user as personalized information, wherein at least a portion of information items from said collection is chosen based on each user's user profile (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58);

collecting responses other than information item usage from said users related to said personalized information (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21); and

refining each user profile based, at least in part, on each user's responses (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 2] wherein said publisher collects information items from licensed commercial sources, free sources, and independent authors (col. 34, lines 62-63; col. 35, line 40 through col. 36, line 27 – National Geographic, Forbes, The Wall Street Journal, etc. are examples of licensed commercial sources. Targeted advertisements are examples of free sources. Documents submitted and edited by authors and/or their editors are examples of information from independent authors);

[Claim 3] wherein personal topical interests, preferences and psychological-type of each user are fixed in each user's user profile (col. 24, lines 55-57; col. 35, line 40 through col. 37, line 32);

[Claim 4] wherein said personalized information is delivered by a channel selected from the group consisting of Internet web pages, FTP downloads, e-mail, facsimile

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transmission, delivered paper hardcopy, magnetic media, optical media, broadcast TV, and radio (col. 35, lines 40-55; col. 65, lines 19-67; col. 67, lines 11-14; col. 68, lines 10-17);

[Claim 5] wherein said responses are collected by a channel selected from the group consisting of Internet web pages, e-mail, facsimile transmission, delivered paper hardcopy, and voice mail (col. 65, lines 19-67; col. 67, line 60 through col. 68, line 21);

[Claim 6] wherein said collected information items are indexed and classified into topical fields (col. 34, line 47 through col. 35, line 55; col. 49, lines 25-42; col. 60, lines 35-64);

[Claim 7] wherein said information items are filtered to release a user from information which is excessive or useless, by allocating only the most essential pieces of knowledge or information (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58);

[Claim 8] wherein a filtering algorithm reduces a size of an information item to a specific value while preserving general content of said information item as close as possible (col. 36, lines 1-11);

[Claim 9] wherein a synopsis is generated for an information item on the basis of semantic analysis of said information item (col. 13, line 1 through col. 14, line 18);

[Claim 10] wherein a filtering algorithm reduces a size of an information item by preserving only a part of said information item related to a topical field designated in user's user profile (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58);

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[Claim 11] wherein a portion of information items from said collection is chosen by at least one secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 12] wherein said secondary publisher produces secondary information items and said secondary information items are collected and stored on said publisher database (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 13] wherein said responses are collected by said secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 14] wherein said secondary publisher controls release of collected responses to said publisher (col. 34, line 47 through col. 36, line 30 – The various servers and

channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 15] wherein said secondary publisher analyzes said responses to create information in a form usable by said publisher, said secondary publisher, or another secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 16] wherein independent authors supply specific information items to a publisher or secondary publisher proceeding from their own topical interests (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 17] wherein independent authors supply specific information items to a publisher or secondary publisher in reply to requests for specific information (col. 34,

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line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 18] wherein a publisher of personalized information requests information items from independent authors based on said publication's topical interests, topical field of distributed personalized information, and topical interests of users of personalized information (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 19] wherein said independent authors produce specific information items in response to general interests revealed by said responses (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 20] wherein user responses to said specific information items are used to rate, compensate, or rate and compensate said independent authors (col. 18, line 10 through



col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21, see col. 37, lines 1-31 in particular);

[Claim 21] wherein said independent authors are paid royalties each time one of their information items is included in a user's personal information (col. 37, lines 5-31 – When a user requests responses to an inquiry, he/she negotiates payment based on the value of each response. The user pays for each requested response, i.e., the independent author of a response is paid at least a basic royalty fee every time a response is requested by a user);

[Claim 22] wherein said independent authors are paid royalties for submitted information items independently on how many times said information items are actually included in a user's personal information (col. 37, lines 5-31 – The royalty payment is adjusted based on the assigned value of the response. The value of the response itself is a factor that is independent of the number of times the information items are actually included in a user's personal information. The adjustable part of the royalty fee is based on this value);

[Claim 23] wherein a user registers to receive said personal information with a publisher or secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 25] wherein said user chooses at least one personal information collection from a plurality of information collections released by said publisher (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 26] wherein said user supplies an initial field of topical interest of an initial user profile (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 27] wherein said user supplies an initial field of topical interest by selecting some topical sections from a given predefined set (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 28] wherein said user supplies an initial field of topical interest by a method chosen from the group consisting of: choosing a user profile of one of the earlier registered users of said personal information, combining user profiles of any number of early registered users, specifying a user profile generated by a publisher of said personal information, and combinations of any one of these methods with the additional selection of some topical sections from a given predefined set (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21; col. 74, line 50 through col. 75, line 4);

[Claim 29] wherein said user supplies an initial field of topical interest referencing to well-known information sources or information publications (col. 18, line 10 through col.

27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 31] wherein each user chooses a condition determinative of a periodic delivery of said personal information (col. 35, lines 45-48);

[Claim 32] wherein a condition determinative of said periodic delivery of said personal information is selected from the group consisting of a user's request for specific information, a user-defined schedule, and a specific event chosen by a user (col. 35, 45-48);

[Claim 33] wherein a specific event is an accumulation of a user-defined amount of undelivered information items (col. 35, lines 45-48);

[Claim 34] wherein said condition determinative of said periodic delivery of said personal information is a specific event and the only information item delivered is related to said specific event (col. 35, lines 45-48);

[Claim 36] wherein user's user profile is created during registration (col. 34, lines 60-64 – The fact that a user identifies him/herself with a password implies that an initial registration process occurred);

[Claim 37] wherein at least a portion of information submitted during registration, including a user's field of interest, is stored in said user's user profile (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 38] wherein a user is provided with unique password or identifier which is used to access collections of information items (col. 34, lines 60-64);

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[Claim 39] wherein a person learns about an existence of said personalized information through advertisements or advertising collections of information items distributed by a publisher via generally available printed and electronic media (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 6, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 40] wherein said advertising collections of information items are generated on the basis of most common topical interests of registered users of said personal information (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 6, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 41] wherein some collections of information items generated for users of said personal information are used as advertisements (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 66, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 42] wherein advertising collections of information items are periodically updated (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 60, lines 48-64; col. 66, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 43] wherein said responses from users are selected from the group consisting of subjective views on said information items, user requests, inquiry responses, and formalized user statements (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 44] wherein said subjective views on said information items are expressed in a form selected from the group consisting of evaluation of quality using a scale, expression of user's opinion about information items, and comments to submitted information items (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 48] wherein said user request expresses a user's interest in receiving future information items related to a present information item (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 49] wherein said user request expresses user's interest in receiving some additional information items submitted by the same independent author (col. 35, line 56 through col. 36, line 1; col. 37, lines 5-31);

[Claim 50] wherein a user request contains a priority assigned by said user to requested information items or topical fields (col. 22, lines 45-47; col. 36, line 66 through col. 37, line 2);

[Claim 51] wherein information items with higher priority are included into issues of personalized information in the priority order (col. 22, lines 45-47; col. 36, line 66 through col. 37, line 2);

[Claim 52] wherein highest priority is assigned to hot news or other urgent information items or topical fields (col. 22, lines 45-47; col. 36, line 66 through col. 37, line 2);

[Claim 53] wherein a user orders additional comments to hot news or other urgent information items using a specific request (col. 35, line 56 through col. 37, line 31);

[Claim 54] wherein a user orders comments reflecting a desired point of view or submitted by an independent author requested to by said user (col. 35, line 56 through col. 36, line 1; col. 37, lines 5-31);

[Claim 56] wherein each said collection of information items, in addition to information items fitting the user's user profile, includes some publisher's information items which are deemed to be most important at the time of generation of said collection (col. 18, line 10 through col. 27, line 67; col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58; col. 66, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 57] wherein a user may export their user profile for use by another user (col. 74, line 50 through col. 75, line 4);

[Claim 58] wherein a user may import a user profile for their use from another user (col. 74, line 50 through col. 75, line 4);

[Claim 59] wherein user profiles are used for special reasons selected from the group consisting of marketing research and interrogation of public opinion (col. 5, lines 61-67; col. 74, lines 65-66);

[Claim 60] wherein access to certain information items requires said user to provide a certain response (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21, see col. 37, lines 1-31 in particular);

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[Claim 61] wherein said certain response is selected from the group consisting of authorizing payment, authorizing release of user information, viewing advertisements, viewing and registering responses to advertisements, viewing information, viewing and registering responses to information, responding to a questionnaire, and responding to a poll (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21, see col. 37, lines 1-31 in particular);

[Claim 68] including organizing multiple levels of primary publishers and secondary publishers that distribute each of said collecting, storing, delivering, and refining steps in a mutually agreed manner, wherein publishers act as primary publishers when they perform the step of collecting information items and act as secondary publishers when they rely on other publishers to perform the step of collecting information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 69] wherein said multiple levels of primary publishers and secondary publishers are organized as a multilevel hierarchical structure where the primary publisher is on the top of hierarchy and is responsible for the content of all personal information (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary

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merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 70] wherein said primary publisher collects information items from licensed commercial sources, free sources, and independent authors (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 34, lines 62-63; col. 35, line 40 through col. 36, line 27 – National Geographic, Forbes, The Wall Street Journal, etc. are examples of licensed commercial sources. Targeted advertisements are examples of free sources. Documents submitted and edited by authors and/or their editors are examples of information from independent authors);

[Claim 71] wherein said primary publisher stores said information items on at least one central database (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);



[Claim 72] wherein said primary publisher provides said secondary publishers with information items they need to generate collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 73] wherein said primary publisher is responsible for personal information released by said secondary publishers and also for information items submitted to them (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 74] wherein said secondary publishers either assist said primary publisher in generation and distribution of collections of information items or generate and distribute their own collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 76] wherein said secondary publishers generate specialized collections of information items by including into said collections some specific information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 77] wherein topical fields of said specialized collection of information items are determined by topical interests of said secondary publisher and are established by fixing some topical sections (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 78] wherein said collections of information items distributed by said secondary publisher are generated by said primary publisher on request of said secondary publisher or by said secondary publisher himself using available information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of

information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 79] wherein at least a portion of collections of information items generated by said secondary publishers is placed into local databases of said secondary publishers (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 80] wherein at least a portion of collections of information items generated by said secondary publishers is transferred into a central database of said primary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 81] wherein at least a portion of information items necessary for generation of said collections of information items is received by said secondary publishers from publishers of higher levels of hierarchy (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel

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level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 82] wherein at least a portion of information items necessary for generation of said collections of information items is collected by said secondary publisher from licensed commercial sources, free sources, and independent authors (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 34, lines 62-63; col. 35, line 40 through col. 36, line 27 – National Geographic, Forbes, The Wall Street Journal, etc. are examples of licensed commercial sources. Targeted advertisements are examples of free sources. Documents submitted and edited by authors and/or their editors are examples of information from independent authors);

[Claim 83] wherein at least a portion of information items retrieved by said secondary publisher is stored on at least one local database of said secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 84] wherein at least a portion of information items retrieved by said secondary publisher is transferred into at least one central database of primary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 85] wherein information items retrieved by said secondary publishers are evaluated by primary publishers or secondary publishers of higher level of hierarchy in order to make conclusions about their usability in collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 86] wherein said secondary publisher distributes said collections of information items completely generated by publishers of higher levels of hierarchy (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 87] wherein said secondary publisher provides users with general purpose of specialized collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 88] wherein said secondary publisher influences content of said collections of information items by fixing some topical sections (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 90] wherein a user registers to receive said personal information with said primary or secondary publisher (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 91] wherein user's user profile is stored on at least one local database of said primary or secondary publisher said user has registered with (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to

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distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 92] wherein user's user profile is transferred into at least one central database of a primary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 93] wherein user responses collected by said secondary publisher are analyzed by said secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

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[Claim 94] wherein user responses collected by said secondary publisher are forwarded to said primary publisher or secondary publisher of higher level of hierarchy (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 96] wherein said secondary publisher provides said primary publisher or said secondary publisher of higher level of hierarchy with methods and procedures for analyzing user responses (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 97] wherein said logical model of personal information is established by said primary publisher or a secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server



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or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21).

[Claims 107-135, 137-141, 143-146, 148-156, 160-166, 168-173, 178-180, 182-194, 196-199, 201]      Claims 107-135, 137-141, 143-146, 148-156, 160-166, 168-173, 178-180, 182-194, 196-199, and 201 recite limitations already addressed by the rejection of claims 1-23, 25-29, 31-34, 36-44, 48-54, 56-61, 68-74, 76-88, 90-94, 96, and 97 above; therefore, the same rejection applies.

[Claims 213-237, 239-243, 245-248, 250-258, 262-268, 270-272, 274, 275, 282-288, 290-302, 304-308, 310, 311]      Claims 213-237, 239-243, 245-248, 250-258, 262-268, 270-272, 274, 275, 282-288, 290-302, 304-308, 310, and 311 recite limitations already addressed by the rejection of claims 1-23, 25-29, 31-34, 36-44, 48-54, 56-61, 68-74, 76-88, 90-94, 96, and 97 above; therefore, the same rejection applies.

[Claims 429-446, 448-461, 463-476, 483-497]      Claims 429-446, 448-461, 463-476, and 483-497 recite limitations already addressed by the rejection of claims 1-23, 25-29, 31-34, 36-44, 48-54, 56-61, 68-74, 76-88, 90-94, 96, and 97 above; therefore, the same rejection applies.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 24, 45-47, 55, 62-67, 75, 89, 95, 98-103, 136, 157-159, 167, 174-177, 181, 195, 200, 202-209, 238, 259-261, 269, 276-281, 289, 303, 309, 312-317, 447, 477-482, and 498-505 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (U.S. Patent No. 6,029,195), as applied to claims 1-23, 25-29, 31-34, 36-44, 48-54, 56-61, 68-74, 76-88, 90-94, 96, 97, 107-135, 137-141, 143-146, 148-156, 160-166, 168-173, 178-180, 182-194, 196-199, 201, 213-237, 239-243, 245-248, 250-258, 262-268, 270-272, 274, 275, 282-288, 290-302, 304-308, 310, 311, 429-446, 448-461, 463-476, and 483-497 above.

[Claim 24] Herz's users register to receive personal information by providing data regarding their topical interests, etc. (as discussed above); however, Herz does not expressly teach that each user registers by filling in a *standard* form per se. Official Notice is taken that it is old and well-known in the art of registration to provide users with a standard form to fill in as part of registration. Standard forms establish a basic set of requirements that can easily be referenced in order to complete registration. Since Herz's users provide basic demographic and interest information in order establish and refine their profiles, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to

incorporate a *standard* form to be filled in by users during registration in order to quickly verify that the users are providing sufficient information to begin profiling and to assign a password to the users (as discussed above).

[Claim 45] Herz does not expressly teach that the step of collecting responses includes the user marking paper hardcopy response forms and a machine reading the data from said forms. However, Official Notice is taken that it is old and well-known in the art of surveying/polling to process survey/poll responses through a user marking paper hardcopy response forms and a machine reading the data from said forms. This procedure allows responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Since Herz presumably profiles many users, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to collecting its responses through the user marking paper hardcopy response forms and a machine reading the data from said forms in order to allow responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response).

[Claim 46] Herz teaches the use of facsimile to receive information from a content provider (as discussed above), yet Herz does not expressly teach that the response forms are transmitted by facsimile and machine-reading is performed by recognition software. Official Notice is taken that it is old and well-known in the art of communications to submit responses, applications, etc. via facsimile in order to quickly deliver a hard copy version of a document. Furthermore, as addressed in claim 45,

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Official Notice is taken that it is old and well-known in the art of surveying/polling to process survey/poll responses through a user marking paper hardcopy response forms and a machine reading the data from said forms. This procedure allows responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Since Herz presumably profiles many users and facilitates facsimile communications, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to collect its response forms by facsimile and perform machine-reading by recognition software in order to allow responses to be delivered quickly in hard copy format and be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response).

[Claim 47] Herz teaches the use of e-mail to receive information from a content provider (as discussed above), yet Herz does not expressly teach that the response forms are transmitted by e-mail and machine-reading is performed by recognition software. Official Notice is taken that it is old and well-known in the art of communications to submit responses, applications, etc. via e-mail in order to quickly and inexpensively communicate with a remotely located entity. Furthermore, as addressed in claim 45, Official Notice is taken that it is old and well-known in the art of surveying/polling to process survey/poll responses through a user marking paper hardcopy response forms and a machine reading the data from said forms. This procedures allows responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Since

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Herz presumably profiles many remotely located users and facilitates e-mail communications, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to collect its response forms by e-mail and perform machine-reading by recognition software in order to allow responses to be delivered quickly and inexpensively and be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Please note that e-mail messages typically comprise a section for users to create e-mail, wherein users address and draft messages in said section, users indicate whether to send said messages as text or graphic files, and said message is sent, as addressed, in the indicated format (wherein the indicated format is either selected by the user or automatically set by the e-mail service being utilized by the user).

[Claim 55] Herz's users refine their profiles either actively, e.g., through user feedback, or passively, e.g., through monitoring of each user's activities (as discussed above); however, Herz does not expressly teach that a user may actively select to delete topical sections from their user profile. Official Notice is taken that it is old and well-known in the art of customizing content delivered to a user to allow the user to actively select to delete topical sections from their user profile. This provides the user with greater control over what information is and is not delivered to him/her. Since Herz's users are provided with some active control over their profiles, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Herz's system by allowing a user to delete topical

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sections from their user profile in order to provide the user with greater control over what information is and is not delivered to him/her, thereby more effectively meeting the users' information needs.

[Claims 62-66] Herz does not expressly teach that said personalized information is delivered in a form suitable for providing personal organizer functions to said user, wherein the user may perform the organizational functions recited throughout claims 62-65. However, Official Notice is taken that various software used to organize information, documents, etc. and perform the multiple tasks recited throughout claims 62-65 are old and well-known in the art. This software enables users to organize large amounts of information and quickly reference it in the future or be reminded of when certain information is to be reviewed, etc. Since Herz's users can elect to receive large amounts of information, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Herz such that said personalized information is delivered in a form suitable for providing personal organizer functions to said user (claim 62), wherein a user may create individual collections of information items from various issues of personalized information, establishes personal information archives, add personal comments on information items, place bookmarks in selected places indicating a time to refer to them in the future or activating upon the occurrence of a user-defined event, and add new information items to the current issue of personalized information (claim 63), wherein individual collections of information items and personal information archives are organized as a plurality of sections associated with various fields of interest of said user or with one of

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user's projects (claim 64), and wherein said personalized information is delivered in an electronic form provided with interactive tools comprising of navigating tools, archiving tools, annotating tools, calendar tools, printing tools, and communication tools (claim 65) in order to enable users to organize large amounts of information and quickly reference it in the future or be reminded of when certain information is to be reviewed, etc.

[Claim 66] Herz gathers information regarding a logical model of personal information that is established by said publisher comprising methods for users' responses analysis, algorithms for taking into account users' profiles during generation of collections of information items for common user, and algorithms for prediction of necessities of users of personal information in goods and services through analysis of users' responses (col. 23, lines 31-36; col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 6, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43); however, Herz does not expressly gather information regarding the interfaces of users' workplaces. Official Notice is taken that it is old and well-known in the art of communications to gather information regarding computer hardware being utilized by a user in order to be able to send information to that user in a format that can be handled by the user's computer hardware. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to gather information regarding the interfaces of users' workplaces in order glean enough data to be able to send information to that user in a format that can be handled by the user's computer hardware.

[Claim 67] Herz's publishers gather personal information from the users (as discussed above), yet Herz does not expressly teach that the logical models of personal information are provided by independent suppliers on request of said publisher.

However, Official Notice is taken that it is old and well-known in the art of profiling to employ the services of a third-party to gather logical models of personal information. Contracting out this profiling process often saves companies the effort and investment required to do so themselves; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz such that its logical models of personal information are provided by independent suppliers on request of said publisher in order to save the publishers the effort and investment required to perform this profiling of personal information themselves.

[Claims 75, 89, 95] Herz's various publishers seem to employ a similar methodology for collecting and selecting information items, collecting responses from personal information users, and analyzing user responses (as discussed above). However, Official Notice is taken that it is old and well-known in the art of data collection for different entities to develop their own distinct methodologies for collecting and selecting information items, collecting responses from personal information users, and analyzing user responses. This allows different entities to access a common body of knowledge, but then customize the analysis of this body of knowledge to most effectively suit their respective goals, especially when each entity has unique goals. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Herz wherein said collections of information items



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distributed by said secondary publishers differ from collections distributed by said primary publisher in such a way that both primary and secondary publishers use different approaches to information items selection and different response collection techniques with personal information users (claim 75), wherein said secondary publisher influences content of said collections of information items by establishing his own response collection technique with personal information users (claim 89), and wherein at least one secondary publisher establishes his own methods for analyzing user responses (claim 95) in order to promote the ability of different entities to access a common body of knowledge, but then customize the analysis of this body of knowledge to most effectively suit their respective goals, especially when each entity has unique goals.

[Claims 98-100] Herz's various publishers seem to employ a similar methodology for collecting and selecting information items, collecting responses from personal information users, and analyzing user responses (as discussed above). Herz does not expressly teach that one publisher establishes restrictions of their own logical models of personal information and then controls to whom these models may be forwarded.

Official Notice is taken that it is old and well-known in the art of data collection and profiling for one entity to control access to the data and to profiling information so they can forward such data/information to whomever they choose, such as for profit or for other business benefit. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz wherein said primary publisher establishes restrictions on said secondary

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publisher's ability to introduce their own logical models of personal information (claim 98), or wherein said secondary publisher establishes restrictions on secondary publishers of lower levels of hierarchy to introduce their own logical models of personal information (claim 99), or wherein said logical model of personal information developed or acquired by said primary or said secondary publisher is forwarded to another primary or secondary publisher (claim 100) so that any entity who has already taken it upon itself to invest in data collection and profiling may control access to the data and to profiling information so they can forward such data/information to whomever they choose, such as for profit or for other business benefit.

[Claims 101-103] Herz discloses a methodology analogous to many of the steps recited in claims 101-103 for analyzing how a user's interests change over time:

Not all point estimates of the topical interest function  $f(*, *)$  should be given equal weight as inputs to the smoothing algorithm. Since passive relevance feedback is less reliable than active relevance feedback, point estimates made from passive relevance feedback should be weighted less heavily than point estimates made from active relevance feedback, or even not used at all. In most domains, a user's interests may change over time and, therefore, estimates of topical interest that derive from more recent feedback should also be weighted more heavily. A user's interests may vary according to mood, so estimates of topical interest that derive from the current session should be weighted more heavily for the duration of the current session, and past estimates of topical interest made at approximately the current time of day or on the current weekday should be weighted more heavily. Finally, in domains where users are trying to locate target objects of long-term interest (investments, romantic partners, pen pals, employers, employees, suppliers, service providers) from the possibly meager information provided by the target profiles, the users are usually not in a position to provide reliable immediate feedback on a target object, but can provide reliable

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feedback at a later date. An estimate of topical interest  $f(V, Y)$  should be weighted more heavily if user V has had more experience with target object Y. Indeed, a useful strategy is for the system to track long-term feedback for such target objects. For example, if target profile Y was created in 1990 to describe a particular investment that was available in 1990, and that was purchased in 1990 by user V, then the system solicits relevance feedback from user V in the years 1990, 1991, 1992, 1993, 1994, 1995, etc., and treats these as successively stronger indications of user V's true interest in target profile Y, and thus as indications of user V's likely interest in new investments whose current profiles resemble the original 1990 investment profile Y. In particular, if in 1994 and 1995 user V is well-disposed toward his or her 1990 purchase of the investment described by target profile Y, then in those years and later, the system tends to recommend additional investments when they have profiles like target profile Y, on the grounds that they too will turn out to be satisfactory in 4 to 5 years. It makes these recommendations both to user V and to users whose investment portfolios and other attributes are similar to user V's. The relevance feedback provided by user V in this case may be either active (feedback=satisfaction ratings provided by the investor V) or passive (feedback=difference between average annual return of the investment and average annual return of the Dow Jones index portfolio since purchase of the investment, for example). (col. 20, line 23 through col. 21, line 4)

By tracking a time-based evolution of a user's interests and giving more weight to recent interest information, Herz is effectively teaching that user profiles are initially formed by selecting a set of N topical fields of interest and defining a significance magnitude for each topical field to create an N-dimensional information space, user profiles are refined by analyzing user responses to update the significance magnitude for each topical field (claim 101), including analyzing a plurality of information vectors to assist in directing said step of collecting information items (claim 102), and including

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analyzing a plurality of information vectors to predict users' need for some goods and services (claim 103). By identifying a trend of change in user interests, one can analogize this trend analysis to the interpolation of a trajectory in said information space based on the updated significance magnitudes because the trend analysis outlines the levels (or magnitudes) of change in interest over recent years. Furthermore, it is old and well-known in the art of mathematical analysis that the derivative of a function yields an understanding of unit change in the function, e.g., over time. For example, the first derivative of velocity yields acceleration. Similarly, by computing a derivative of a trajectory function corresponding to a user profile, it is understood that information characterizing how fast and in what directions a user profile is changing results. Therefore, the Examiner asserts that the limitations recited in claims 101-103 are analogous to Herz's assessment of a user's changing interests over time.

[Claims 136, 157-159, 167, 174-177, 181, 195, 200, 202-209]      Claims 136, 157-159, 167, 174-177, 181, 195, 200, and 202-209 recite limitations already addressed by the rejection of claims 24, 45-47, 55, 62-67, 75, 89, 95, and 98-103 above; therefore, the same rejection applies.

[Claims 238, 259-261, 269, 276-281, 289, 303, 309, 312-317]      Claims 238, 259-261, 269, 276-281, 289, 303, 309, and 312-317 recite limitations already addressed by the rejection of claims 24, 45-47, 55, 62-67, 75, 89, 95, and 98-103 above; therefore, the same rejection applies.

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[Claims 447, 477-482, 498-505] Claims 447, 477-482, and 498-505 recite limitations already addressed by the rejection of claims 24, 45-47, 55, 62-67, 75, 89, 95, and 98-103 above; therefore, the same rejection applies.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bergh et al. (U.S. Patent No. 6,112,186) – Discloses a distributed system for facilitating exchange of user information and opinion using automated collaborative filtering.

Tso et al. (U.S. Patent No. 6,047,327) – Discloses a system for distributing electronic information to a targeted group of users.

Sheena et al. (U.S. Patent No. 6,049,777) – Discloses a computer-implemented collaborative filtering based method for recommending an item to a user.

Eichstaedt et al. (U.S. Patent No. 6,385,619) – Discloses automatic user interest profile generation from structured document access information.

Easty et al. (U.S. Patent No. 6,189,008) – Discloses a dynamic digital asset management system.

Salganicoff (U.S. Patent No. 5,734,720) – Discloses a system and method for providing digital communications between a head end and a set top terminal.

Miller (U.S. Patent No. 5,799,304) – Discloses an information evaluation system for identifying user-relevant information.

Gerace (U.S. Patent No. 5,848,396) – Discloses a method and apparatus for determining behavioral profile of a computer user.

Lang et al. (U.S. Patent No. 5,867,799) – Discloses an information system and method for filtering a massive flow of information entities to meet user information classification needs.

Rapaport et al. (U.S. Patent No. 5,890,152) – Discloses a personal feedback browser for obtaining media files.

Chislenko et al. (U.S. Patent No. 6,041,311) – Discloses a method and apparatus for item recommendation using automated collaborative filtering.

Hosken (U.S. Patent No. 6,438,579) – Discloses an automated content and collaboration-based system and method for determining and providing content recommendations.

Tsourikov et al. (U.S. Patent No. 6,167,370) – Discloses the semantic analysis of documents to identify information relevant to a user.

Tomioka et al. (U.S. Patent No. 6,606,748) – Discloses the customization of information sent to a user based on priorities established by the user.

Li et al. (U.S. Patent No. 6,345,279) -- Discloses the customization of information sent to a user based on priorities established by the user.

Tso et al. (U.S. Patent No. 6,421,733) -- Discloses the customization of information sent to a user based on priorities established by the user.

Yoshioka et al. (U.S. Patent No. 5,884,280) – Discloses a system and method for distributing proceeds from contents (i.e., royalties payments).

Graham et al. (US 2003/0051214) – Discloses techniques for annotating portions of a document relevant to concepts of interest.

Stefik et al. (U.S. Patent No. 5,638,443) – Discloses a system for controlling the distribution and use of composite digital works.

Stefik et al. (U.S. Patent No. 6,233,684) – Discloses a system for controlling the distribution and use of rendered digital works through watermarking.

"Identifying and Tracking Copyright Source: An Automated Process for Handling Copyrighted Information" – Discloses a system for distributing royalty payments for derivative works.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

or faxed to:

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**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.



Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
September 6, 2004



**Continuation of Disposition of Claims:** Claims withdrawn from consideration are 30,35,104-106,142,147,210-212,244,249,273,318-428 and 462.

**Continuation of Disposition of Claims:** Claims rejected are 1-29,31-34,36-103,107-141,143-146,148-209,213-243,245-248,250-272,274-317,429-461 and 463-505.